

Notice of Allowability

Application No.

10/646,367

Examiner

Eric Hug

Applicant(s)

BRICCO ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed September 8, 2005.
2. ☒ The allowed claim(s) is/are 1-21,27-36 and 38-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Cross-Reference to Related Application --

This is a continuation-in-part of United States Patent Application Serial Number 10/027,507, now United States Patent Number 6,702,925, filed on December 21, 2001, the entire disclosure of which is incorporated herein by reference.

In the Listing of Claims--

Claims 22-26 (Cancelled)

This application is in condition for allowance except for the presence of claims 22-26 to an invention non-elected without traverse. Accordingly, claims 22-26 have been cancelled.

Allowable Subject Matter

Claims 1-21, 27-36, and 38-45 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-21 are allowed, because the prior art does not disclose or suggest a vibrational device for use with a papermaking machine having a wire, the device comprising the claimed vibration-inducing mechanism, vibrational head having a support and vibrational element coupled thereto, and dampener, wherein the elements are arranged so that the vibrational head is coupled to the vibration-inducing mechanism, the vibrational element has a surface facing the wire across which the wire passes, and the dampener is coupled between the vibration-inducing mechanism and the vibrational element of the vibrational head.

Claims 27-36 and 38-45 are allowed, because the prior art does not disclose or suggest a vibrational device for use with a papermaking machine having a wire, the device comprising the claimed vibrational head having a vibrational element and first and second supports, wherein the first and second supports of the vibrational head are coupled to and driven by first and second vibration-inducing mechanisms which are independently controllable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed September 8, 2005 have been fully considered.

Previous rejections based on Malashenko (US 4,648,943) and Berry (US 1,841,702) have been overcome by amendment and are hereby withdrawn. The obviousness-type double patenting rejections set forth previously have also been overcome and are hereby withdrawn. Regarding the applied prior art, the language of claim 1 clearly distinguishes over any previous interpretation of the claimed elements with regards to Malashenko. The added feature of independently controllable vibration-inducing mechanisms in claim 27 distinguishes the claimed invention over Berry.

Reference is made to the Interview Summary of July 19, 2005.

Drawings

The drawings filed August 22, 2003 are accepted by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Charlton (US 2,124,028)

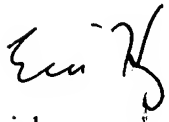
Ekberg (US 3,864,207)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh